

6308-13  
14019688**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS****Index No.: 9574/14****Filed on : 6/26/14**

LENORE CARROLL, as parent and natural guardian of  
her daughter, AVA LENORE GRAY,  
Plaintiff(s),

Plaintiff designates Kings  
County as the place of trial

-against-

TOYS "R" US, INC., KIDTRAX, GEOFFREY, LLC,  
GOODBABY CHILD PRODUCTS CO. LTD and  
PARAGON CHILD PRODUCTS CO.,  
Defendant(s).

**Summons with Notice**

The basis of the venue is  
Defendant(s) Residence at  
Kings County

To the above named defendant(s)

You are hereby Summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

DATED: June 26, 2014

*Defendants' Address:*

TOYS "R" US, INC.  
2857 Flatbush Avenue  
Brooklyn, NY 11234

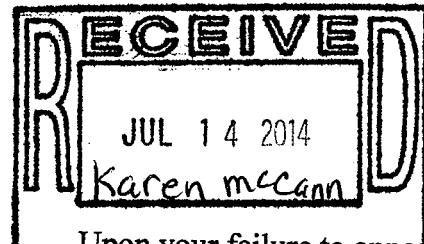
KidTrax  
4730 E. Radio Tower Lane  
Olney, IL 62450

Geoffrey, LLC  
1 Geoffrey Way  
Wayne, NJ 07470

Goodbaby Child Products Co., LTD  
No. 20 Luxi Rd., Lujia Town  
Jiangsu Province, 215331  
P.R. China

Paragon Child Products Co.  
No. 20 Luxi Rd., Lujia Town  
Jiangsu Province, 215331  
P.R. China

*Notice: The nature of this action is personal injuries  
The relief sought is Monetary damages*



Upon your failure to appear, judgment will be taken against you by default for the sum for in  
Received @ Reception

PATRICK W. JOHNSON, P.C.  
Attorney for plaintiff(s)  
Office and Post Office Address  
9118 3rd Avenue  
Brooklyn, N.Y. 11209

KINGS COUNTY CLERK  
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excess of all Courts of General Jurisdiction except that of the Supreme Court with interest from May 10, 2014, and the costs of this action.

**NOTICE**

**Upon receipt of this Summons to protect your rights you must turn it over to your Insurance Company immediately.**

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS**

LENORE CARROLL, as parent and natural guardian of  
her daughter, AVA LENORE GRAY,  
Plaintiff(s),

x File date 6/26/14

Index No 9574/14

-against-

**Verified Complaint**

TOYS "R" US, INC., KIDTRAX, GEOFFREY LLC,  
GOODBABY CHILD PRODUCTS CO. LTD and  
PARAGON CHILD PRODUCTS CO.,  
Defendant(s).

x

Plaintiff, LENORE CARROLL, as parent and natural guardian of her daughter, AVA LENORE GRAY, by and through her attorney, **PATRICK W. JOHNSON, P.C.**, complaining of the defendant herein, sets forth and alleges as follows:

**RECITALS**

1. That at all times hereinafter mentioned, plaintiff was and still is a resident of the State of New York.

2. Upon information and belief, that at all times hereinafter mentioned, defendant TOYS "R" US, INC. was and is a domestic corporation and existing under and by virtue of the laws of the State of New York and is duly authorized to conduct business in the State of New York.

3. Upon information and belief, that at all times herein mentioned, defendant TOYS "R" US, INC. was and is engaged in the manufacture, development, creation, production, control, sale and distribution of an Avigo Mercedes ML63 Black Rideon, amongst other things, to the public.

4. Upon information and belief, that at all times hereinafter mentioned, defendant KIDTRAX was and is a domestic corporation and existing under and by virtue of the laws of the State of Illinois and is duly authorized to conduct business in the State of New York.

5. Upon information and belief, that at all times herein mentioned, defendant KIDTRAX was and is engaged in the manufacture, development, creation, production, control, sale and distribution of an Avigo Mercedes ML63 Black Rideon, amongst other things, to the public.

6. Upon information and belief, that at all times hereinafter mentioned, defendant GEOFFREY, LLC, was and is a domestic corporation and existing under and by virtue of the laws of the State of New Jersey and is duly authorized to conduct business in the State of New York.

7. Upon information and belief, that at all times herein mentioned, defendant GEOFFREY, LLC, was and is engaged in the manufacture, development, creation, production, control, sale and distribution of an Avigo Mercedes ML63 Black Rideon, amongst other things, to the public.

8. Upon information and belief, that at all times hereinafter mentioned, defendant GOODBABY CHILD PRODUCTS CO., LTD was and is a corporation and existing under and by virtue of the laws of the nation of China and is duly authorized to conduct business in the State of New York.

9. Upon information and belief, that at all times herein mentioned,

defendant GOODBABY CHILD PRODUCTS CO., LTD was and is engaged in the manufacture, development, creation, production, control, sale and distribution of an Avigo Mercedes ML63 Black Rideon, amongst other things, to the public.

10. Upon information and belief, that at all times hereinafter mentioned, defendant PARAGON CHILD PRODUCTS CO., was and is a corporation and existing under and by virtue of the laws of the nation of China and is duly authorized to conduct business in the State of New York.

11. Upon information and belief, that at all times herein mentioned, defendant PARAGON CHILD PRODUCTS CO., was and is engaged in the manufacture, development, creation, production, control, sale and distribution of an Avigo Mercedes ML63 Black Rideon, amongst other things, to the public.

12. That upon information and belief, at all times hereinafter mentioned, and sometime before the 10<sup>th</sup> day of May, 2014 all named defendants engaged in the manufacture, development, creation, production, control, sale and distribution of an Avigo Mercedes ML63 Black Rideon, amongst other things, to the public.

13. That upon information and belief, at all times hereinafter mentioned and sometime before the 10<sup>th</sup> day of May, 2014, defendant TOYS "R" US, INC., its agents, servants and/or employees supplied and distributed an Avigo Mercedes ML63 Black Rideon in Brooklyn, New York.

**AS AND FOR A FIRST CAUSE OF ACTION FOR PLAINTIFF, AVA LENORE**

**GRAY- NEGLIGENCE**

14. On or about the 10<sup>th</sup> day of May, 2014, Plaintiff AVA LENORE GRAY was caused to and did sustain severe personal injuries solely and wholly as a result of the carelessness and negligence of the defendant, their agents, servants and/or employees, in amongst other things in the manufacture, development, creation, production, control, sale and distribution of said powered riding toy. Furthermore, the defendant, their agents, servants and/or employees were careless and negligent, in amongst other things, in the manufacturing, development, creation, designing, production, control, sale and distribution of said powered riding toy; in failing to inspect said powered riding toy; in allowing and permitting said powered riding toy to become and remain in an unsafe, dangerous and defective condition, in that the powered riding toy car did not include seatbelts, and while the car was in motion, the infant plaintiff sitting in the passenger seat toppled out the back of the toy car and broke her right arm.

15. That by reason of the foregoing, plaintiff, AVA LENORE GRAY has been severely damaged and injured in the amount of **FIVE MILLION (\$5,000,000.00) DOLLARS.**

**AS AND FOR A SECOND CAUSE OF ACTION FOR PLAINTIFF, AVA LENORE GRAY- STRICT TORT PRODUCTS LIABILITY**

16. Plaintiff, LENORE CARROLL, as parent and natural guardian of her daughter, AVA LENORE GRAY herein repeats, realleges, and reiterates each and every allegation set forth in the First Cause of Action with the same force and effect as though the same were set forth herein.

17. That the foregoing acts, omissions and occurrences, more particularly the malfunctioning of said powered toy car on or about the 10<sup>th</sup> day of May,

2014, was caused solely and wholly by reason of said product being defective and in an unreasonably dangerous state at the time of its manufacture, sale and proper usage on or about the 10<sup>th</sup> day of May, 2014.

18. As a result of the foregoing, defendant, their agents, servants and/or employees are strictly liable in tort to the plaintiff for the acts, omissions and occurrences complained of herein.

19. As a result of the foregoing, plaintiff AVA LENORE GRAY was caused to and did sustain severe personal injuries, and has sought and continued to receive medical treatment in an endeavor to cure herself of said personal injuries.

20. As a result of the foregoing, plaintiff, AVA LENORE GRAY has been damaged in the amount of **FIVE MILLION (\$5,000,000.00) DOLLARS.**

**AS AND FOR A THIRD CAUSE OF ACTION FOR PLAINTIFF AVA LENORE**

**GRAY - BREACH OF WARRANTY**

21. Plaintiff herein repeats, realleges, and reiterates each and every allegation set forth in the First and Second Causes of Action as if same were as fully set forth herein with the same force and effect.

22. That the foregoing acts, omissions and occurrences, more particularly the malfunctioning of said powered toy car on or about the 10th day of May 2014, were caused solely and wholly by reason of breach of express and/or implied warranties to plaintiff by defendant, their agents, servants and/or employees in the manufacture, development, creation, production, control, sale and distribution of said toy car.

23. As a result of the foregoing, plaintiff, AVA LENORE GRAY was caused to and did sustain severe personal injuries, and has sought and continues to receive medical treatment in an endeavor to cure herself of said personal injuries and has suffered severe pain and suffering.

24. As a result of the foregoing, plaintiff, AVA LENORE GRAY has been damaged and injured in the amount of **FIVE MILLION (\$5,000,000.00) DOLLARS.**

**WHEREFORE**, plaintiff LENORE CARROLL, as parent and natural guardian of her daughter, AVA LENORE GRAY demands judgment in the First Cause of Action in the sum of FIVE MILLION (\$5,000,000.00) DOLLARS; in the Second Cause of Action in the sum of FIVE MILLION (\$5,000,000.00) DOLLARS; and in the Third Cause of Action in the sum of FIVE MILLION (\$5,000,000.00) DOLLARS, together with all the costs and disbursements of the bringing of this case.

Dated: Brooklyn, New York  
June 26, 2014

Respectfully Submitted,

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**PATRICK W. JOHNSON, P.C.**  
**Attorney for Plaintiff**  
**LENORE CARROLL as mother**  
**and natural guardian of her**  
**daughter AVA LENORE GRAY**  
**9118 Third Avenue**  
**Brooklyn, NY 11209**  
**(718) 745-5530**



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AND  
FORMAT

100%